

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|------------------------------|---|--------------------|
| YVONNE WILLIAMS | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA, et al. | : | NO. 09-cv-02713-JF |

MEMORANDUM

Fullam, Sr. J.

January 19, 2011

On September 30, 2010, this case was scheduled for trial beginning on January 24, 2011. Notwithstanding this trial date, the defendants saw fit to file, on January 6, 2011, their "First Motion for Summary Judgment." This was long after the due date for dispositive motions, and meant that plaintiff's response would not be due until after the trial. Plaintiff's counsel has sought to overcome this difficulty by filing a response based principally upon his trial brief, but it is apparent that neither the parties nor the court could properly have argument and due consideration of the issue involved before the date set for trial.

For all of these reasons, I decline to consider the late-filed motion, and will therefore deny it. I do note in passing, however, that defendants' principal argument is that certain named individuals and entities are entitled to Eleventh Amendment immunity. This may well be, but none of these parties is actually named as a defendant in the action. It is also

apparent that there are factual issues which require trial. An Order will be entered.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 19th day of January 2011, upon
consideration of defendants' First Motion for Summary Judgment,
IT IS ORDERED:

That the motion is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.